



NEW ZEALAND  
IMMIGRATION

# Immigration Factsheets

## Migrants with criminal convictions

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August 2018

- All non-New Zealanders applying for a visa to come to New Zealand must be of good character.
- People applying for visas are required to declare whether or not they are under investigation by a law enforcement agency in any country, or have a criminal record.
- People with criminal convictions or who have provided false or misleading information will generally not be granted a visa unless a character waiver is granted.
- In the case of character waivers, each application is considered on its individual merits and taking into account, for example, the seriousness of an offence, number of offences and how long ago the event/s occurred.
- A special direction (under section 17 of the Immigration Act 2009) allows exceptions to be given to an “excluded person” who is not eligible for a visa, entry permission, or a visa waiver under section 15 or 16 of the Act. Excluded persons include:
  - A person who has been sentenced to a prison sentence for a term of five years or more at any time
  - A person who at any time within the preceding 10 years has been sentenced to a prison sentence for 12 months or more
  - A person who has been removed or deported from New Zealand at any time
  - A person who has been excluded from New Zealand
  - A person who at any time has been removed, excluded, or deported from another country
  - Anyone who the Minister of Immigration believes is, or is likely to be, a threat or risk to security, public order or the public interest
  - Anyone who the Minister believes is likely to commit an offence in New Zealand punishable by imprisonment
  - A person who is a member of a terrorist entity designated under the Terrorism Suppression Act 2002.
- The decision on whether to grant a special direction can be made by the Minister of Immigration, the Associate Minister of Immigration or INZ staff member who has the appropriate delegations.
- If a special direction is granted applicants then can apply for a visa to enter New Zealand.
- New Zealand citizens have a total right of entry into their own country - for information relating to citizenship contact the Department of Internal Affairs.